

Appln. No. 10/814,987

Attorney Docket No. 10541-2004

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 2-11 and 13-24 remain pending.

Claim Rejections - 35 U.S.C. §102

Claims 1-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0049602 to Walker (Walker).

Claim 23 and 24 recite that the template includes a phrase and the portions of the broadcast programming transmission information are inserted into the phrase. None of the references teach inserting portions of broadcast programming transmission information into a template. Accordingly, applicants respectfully request withdraw of the rejection under 35 U.S.C. § 102(b).

Claims 2-11 and 13-22 depend from claims 23 or 24 and are, therefore, patentable for at least the same reasons given above in support of claims 23 and 24.

In addition, claims 2 and 13 recite that the text speech generator is configured to randomly select a template. The examiner relies on paragraph [0028] in rejecting claims 2 and 13. However, paragraph [0028] does not disclose randomly selecting a template or even randomly applying a context rule. Rather, the context rule is applied based on the text that is presented to the system in Walker. Therefore, the same text being provided as input will produce the same context rule being applied. Therefore, nothing in Walker teach or even suggests randomly selecting a template.

Further, claims 3 and 14 recite wherein the speech text-to-speech generator is configured to select a template based on a counter. As such, the text-to-speech

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generator indexes through each of the plurality of predetermined templates. The examiner relies on paragraph [0033] to reject claims 3 and 14. However, paragraph [0033] does not at all discuss a counter or indexing through templates or even the context rule of Walker. As such, Walker cannot teach selecting the template based on a counter, as defined in claims 3 and 14.

With respect to claims 5-9, and 15-20 the examiner generally seems to indicate that the rule **could** be a music context rule, artist context rule, or next step information context rule. However, Walker does not at all discuss such context rules. In addition, Walker is generally related to text documents that are provided over a telephone network, not a media transmission system such a satellite radio receiver. Since Walker fails to expressly or teach a template being selected based on artist, title, or next-up information, applicants submit that claims 5-9 and 15-20 are patentable for at least these reasons as well.

In addition, claims 11 and 22 include that the message is summed with the music signal. Walker does not teach a music signal and, therefore, cannot teach this element. The examiner refers to paragraph [0032], however, a music signal is not mentioned in that paragraph.

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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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